

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION

MRS. KEON A. ROGERS-REED,
1230 Florida Ave.
Akron, Ohio 44314,

and,

MR. CORNELIOUS L. REED,
1230 Florida Ave.
Akron, Ohio 44314

Plaintiffs,

v.

MS. FELISITY CLAUDIA PETERSON,
805 Pine City Rd.
Shippenville, PA 16254,

and,

RUSTLER SALES & SERVICE LLC,
Registered Agent,
196 Airport Rd.
Shippenville, PA 16254,

and,

JOHN AND JANE DOES, 1-10,
JOHN DOE CORPORATIONS 1-10, and
OTHER JOHN DOE ENTITIES 1-10,
all whose true names are unknown,

Defendants.

Case No.:

Judge:

COMPLAINT FOR NEGLIGENCE
(MOTOR VEHICLE ACCIDENT) FOR
PERSONAL INJURIES
(DIVERSITY JURISDICTION)

(Jury Demand Endorsed Hereon)

NOW COME the Plaintiffs, *Mrs. Keon A. Rogers-Reed, and Mr. Cornelius L. Reed*, and for
their Complaint against the Defendants hereby allege and aver the following:

THE PARTIES, JURISDICTION, AND VENUE

1. The Plaintiffs are real persons, residing in the County of Summit, City of Akron, State of Ohio. The Plaintiffs are married.
2. The Defendant, Ms. Felicity Claudia Peterson, is a real person, residing in the State of Pennsylvania. Furthermore, at all times relevant, the Defendant engaged in conduct in Medina County, Ohio that gave rise to the Plaintiffs' claims herein. This is a motor vehicle accident case, and the collision at issue took place on I-71 Northbound in the Township of Harrisville, County of Medina, Ohio. Said Defendant was the driver of the at-fault vehicle.
3. The Defendant, Rustler Sales & Service LLC, upon information and belief, is a corporation, with its principal place of business located in the State of Pennsylvania. The Pennsylvania Secretary of State lists said entity's registered office as 196 Airport Rd., Shippensburg, PA 16254. Furthermore, at all times relevant, the Defendant engaged in conduct in Medina County, Ohio that gave rise to the Plaintiffs' claims herein. This is a motor vehicle accident case, and the collision at issue took place on I-71 Northbound in the Township of Harrisville, County of Medina, Ohio. Said entity was the owner of the at-fault motor vehicle, and presumably the employer of the at-fault driver.
4. Upon information and belief, Defendants John and Jane Does 1 through 10 (the "Individual Defendants") are individuals whose names and addresses of residence are presently unknown after reasonable diligence.

- 1 5. Upon information and belief, Defendants John Doe Corporations 1 through 10 (the
2 “Corporate Defendants”) are corporations, the names and addresses of residences of
3 which are presently unknown after reasonable diligence.
- 4 6. Upon information and belief, Defendants Other John Does Entities 1 through 10 (the
5 “Other Entity Defendants”) are other legal entities, the names and addresses of residences
6 of which are presently unknown after reasonable diligence.
- 7 7. The Individual Defendants, Corporate Defendants, and Other Entity Defendants are
8 collectively referred to as the Defendants.
- 9 8. The U.S. District Court for the Northern District of Ohio has subject matter jurisdiction
10 over this civil action pursuant to diversity of citizenship principles, 28 U.S.C. § 1332,
11 since the parties are citizens of different states and the amount in controversy exceeds
12 \$75,000.
- 13 9. The U.S. District Court for the Northern District of Ohio has personal jurisdiction over
14 the Defendants in this matter since they acted negligently within this judicial district and
15 caused harm to the Plaintiffs. It is reasonable and foreseeable for them to be hauled into
16 Court in the federal court that has jurisdiction over Medina County, Ohio, when they
17 acted negligently in Medina County, and caused a major motor vehicle accident
18 (“MVA”). Ohio’s long-arm jurisdiction also provides for personal jurisdiction over the
19 Defendants.
- 20 10. Venue is proper in this Court because the Defendants engaged in activities within the
21 judicial district of the County of Medina that gave rise to the Plaintiffs’ claims herein.
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FACTUAL ALLEGATIONS

11. The Plaintiffs hereby incorporate by reference each and every statement made in this Complaint, whether written above or below, as if each is fully re-written herein.

12. On January 21, 2022, the Plaintiffs and Defendants were involved in a motor vehicle accident (“MVA”).

13. While travelling northbound on I-71 in Medina County, the Defendants’ Kenworth commercial truck merged from the left lane to the center lane and struck the Plaintiffs’ car, which acted akin to a pit maneuver, which caused the Plaintiffs’ car to swing off the left side of the roadway, strike a median barrier, and overturn.

14. The Plaintiffs’ vehicle at rest following the MVA:



1 15. The Defendant failed to maintain the right of way and crashed her truck into the side of
2 the Plaintiffs' car. The Defendant was cited with at least violation of Ohio RC 4511.39,
3 improper turn signals.

4 16. The Defendants were negligent and negligent *per se*.

5 17. The impact of the crash caused property damage to the Plaintiffs' vehicle, and further
6 caused the Plaintiffs to suffer personal injuries and damages of a severe and permanent
7 nature.

8 18. The Plaintiff, Mrs. Keon A. Rogers-Reed, received medical treatment and will continue
9 to seek medical treatment as a result of the injuries sustained from the crash.

10 19. Plaintiff hit her head in the MVA, lost consciousness, was transported by ambulance to
11 the ER, underwent extensive medical treatment and physical therapy, and continues to
12 suffer residual pain and discomfort to this day, and will continue to suffer into the future.

13 **CLAIM NO. 1**
14 *(Negligence)*

15 20. The Plaintiffs hereby incorporate by reference each and every statement made in this
16 Complaint, whether written above or below, as if each is fully re-written herein.

17 21. In tort law, whether a defendant owes a duty to a plaintiff depends upon the relationship
18 between them. *Commerce & Industry Ins. Co. v. Toledo* (1989), 45 Ohio St. 3d 96, 98.
19 Whether a duty exists depends on the foreseeability of injury. *Menifee v. Ohio Welding*
20 *Products, Inc.* (1984), 15 Ohio St. 3d 75, 77. Injury is foreseeable if a defendant knew or
21 should have known that her act was likely to result in harm to someone. *Mudrich v.*
22 *Standard Oil Co.* (1950), 153 Ohio St. 31, 39.
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1 22. Once the existence of a duty is found, a defendant must exercise that degree of care
2 which an ordinarily careful and prudent person would exercise under the same or similar
3 circumstances. *Mussivand v. David* (1989), 45 Ohio St. 3d 314, 318.

4 23. The Defendants owed a duty of care to the Plaintiffs to operate her motor vehicle with
5 due care consistent with traffic and safety laws.

6 24. The Defendants breached their duty of care owed to the Plaintiffs by operating their
7 commercial truck in a negligent manner and by crashing her vehicle into the Plaintiffs'
8 vehicle.

9 25. The Defendant was cited for the violation of a statute in connection with crashing her
10 vehicle into the Plaintiffs' vehicle and the violation of that statute further constitutes
11 negligence *per se*.

12 26. The Defendant, Rustler Sales & Service LLC, further was negligent in the hiring,
13 training, and/or retention of their employee and agent, Defendant Peterson.

14 27. As a direct and proximate result of the Defendants' negligence, the Plaintiffs suffered
15 personal injuries and damages of a severe and permanent nature, experienced pain and
16 discomfort, and will continue to experience pain and discomfort.

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19 **PRAYER FOR RELIEF / REQUEST FOR REMEDIES**

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21 WHEREFORE, the Plaintiffs pray for judgment in their favor and against the
22 Defendants, jointly and severally, on all of their claims, and request an award of
23 compensatory damages that is above and beyond the jurisdictional minimum to be later
24 proven at trial; together with interest and attorney's fees; an award of costs; and for any other
25 relief in law or equity that this honorable Court deems just and proper.
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1 Plaintiffs further request a trial by jury by the maximum number of jurors permitted
2 by law.

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4 Most Respectfully Submitted,

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6 /s/ David A. Welling

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